

1 **IN THE UNITED STATES DISTRICT COURT**
2 **FOR THE DISTRICT OF ALASKA**

3
4 UNITED STATES OF AMERICA,

5 Plaintiff,

6 v.

7 HEAVEN LEIGH ERICK,

8 Defendant.

Case No. 3:17-cr-00156-SLG-KFR

9
10 **FINAL REPORT AND RECOMMENDATION UPON AN ADMISSION**

11 Upon Defendant's request to enter admissions, pursuant to Federal Rule of
12 Criminal Procedure 32.1 and 18 U.S.C. § 3583, to Allegations One and Two of the
13 Petition, [Doc. 158], charging the following violations:

- 14 1. Allegation One: Failure to participate in a formal drug treatment program on
15 February 21, 2023; February 28, 2023; and March 7, 2023, in violation of
16 condition requiring such participation; and
17 2. Allegation Two: Tampering with an ankle monitor by placing tinfoil around
18 the unit on or about March 11, 2023, in violation of the condition requiring a
19 60-day curfew program with an electronic monitoring or other location
20 verification component,

21 this matter came before the Magistrate Judge, with the verbal consents of Defendant,
22 counsel for Defendant, and counsel for the United States.

23 The matter came before this Court for a hearing on Defendant's admission, in
24 open court and on the record.

25 In consideration of that hearing and the colloquy made by Defendant under
26 oath, on the record, in the presence of counsel, and the remarks of the Assistant
27 United States Attorney,

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1 **A. I make the following FINDINGS – that Defendant understands:**

- 2 ☒ That any false statements made by Defendant under oath may later be
3 used against her in a prosecution for perjury;
- 4 ☒ The right to deny the allegations;
- 5 ☒ The nature of the allegations against Defendant;
- 6 ☒ The maximum possible sentence, including imprisonment, any
7 mandatory sentence of imprisonment, that supervision may follow a
8 term of imprisonment, and the applicable sentencing guideline range;
- 9 ☒ The right to a revocation hearing;
- 10 ☒ The right to be represented by counsel and, if necessary, to have the
11 court appoint counsel at trial, and at every other stage of the
12 proceedings;
- 13 ☒ The right to: confront and cross-examine adverse witnesses, to remain
14 silent, to testify and present evidence, and to compel the attendance of
15 witnesses;
- 16 ☒ That an admission operates as a waiver of hearing rights;
- 17 ☒ That Defendant knowingly, intelligently, and voluntarily waives all right
18 to appeal or collaterally attack (except on the grounds of ineffective
19 assistance of counsel and the voluntariness of her admissions); and
- 20 ☒ That in determining a sentence, the court's obligation to calculate the
21 applicable sentencing guideline range pursuant to the Sentencing
22 Guidelines promulgated by the United States Sentencing Commission
23 and to consider that range, as well as departures under the Sentencing
24 Guidelines, and variances under 18 U.S.C. §3583(e).

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1 Reports and recommendations are not appealable orders. Any notice of appeal
2 pursuant to Fed. R. App. P. 4(a)(1) should not be filed until entry of the District
3 Court's judgment.¹

28 ¹ See *Hilliard v. Kincheloe*, 796 F.2d 308 (9th Cir. 1986).